

Appl. No. 10/027,987
Amdt. dated Feb 3, 2004
Reply to Office action of Nov. 19, 2003

REMARKS/ARGUMENTS

Claims 1-7, 9-16, 18-24, 26-32 and 34-62 remain in the application. Claims 8, 17, 25 and 33 have been cancelled. Claims 34-62 have been added

The examiner rejected claims 1-33.

Applicants enclose a completed credit card authorization form in the amount of \$304 for the added claims (62 total claims of which 33 have been previously paid for and 4 independent claims of which 3 have been previously paid for). It is believed that no other fees are due at this time. In view of the following remarks and amendments, applicants respectfully requests a timely Notice of Allowance be issued in this case.

Objections to the Drawings

The examiner objected to the drawings under 37 C.F.R. 1.84(p)(50 because they include reference sign 34 which is not mentioned in the description. Applicants have amended paragraph 0014 of the specification to include the reference sign 34. Applicants respectfully submit that the amendment to the specification overcomes the examiner's objection.

Rejections under 35 U.S.C. § 112

The examiner rejected claims 1-33 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification. Although applicants respectfully submit that specification sufficiently describes the conversion of wind power to electricity, applicants have amended the specification and the claims to reflect that the generator is part of or is located with the wind turbine. These amendments do not add new matter and are supported in the specification and drawings. Specifically, the original specification states that "[w]ind turbines of this type are well known to those of ordinary skill in the art and may also be referred to as wind generators or wind turbine/generators." (page 6, paragraph 13, lines 5-6). In addition, the original specification refers to the conversion of wind power to electricity. (page 8, paragraph 17, lines 1-3; page 6, paragraph 19, lines 18-20). Applicants respectfully submit that the amendments to the specification are consistent with the original drawings and that the wind turbine and generator do not need to be separately referenced when the generator is part of or is located with the wind turbine. Applicants, therefore, submit that claims 1-7, 9-16, 18-24, 26-32 are allowable under 35 U.S.C. § 112, first paragraph. Accordingly, applicants respectfully requests that the rejection of claims 1-7, 9-16, 18-24, 26-32, as amended, be withdrawn. Applicants respectfully submit that newly added claims 34-62 are allowable under 35 U.S.C. § 112, first paragraph, for the same reasons.

The examiner also stated that "the specification provided no information as to how the system can be remotely controlled." The original specification stated that "[t]he

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wind turbine 30 may also be controlled by a building central computer or processing unit that regulates the generation of electricity based upon the needs of the building itself." (page 6, paragraph 14, lines 14-16). In addition, applicants have amended the specification to clarify that the processor or controller 34, or the building central computer or processing unit can control the directional inlets of the air intake opening scoops 50 in one embodiment of the invention. These amendments do not add new matter and are supported in the original specification at page 4, paragraph 9, lines 3-5 and in claims 7 and 24. Applicants, therefore, submit that claims 1-7, 9-16, 18-24, 26-32 are allowable under 35 U.S.C. § 112, first paragraph. Accordingly, applicants respectfully requests that the rejection of claims 1-7, 9-16, 18-24, 26-32, as amended, be withdrawn. Applicants respectfully submit that newly added claims 34-62 are allowable under 35 U.S.C. § 112, first paragraph, for the same reasons.

Rejections under 35 U.S.C. § 103(a)

The examiner rejected claims 1 and 11-14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,394,016 (hereinafter referred to as "Hickey") in view of U.S. Patent No. 4,651,805 (hereinafter referred to as "Bergeron, Jr.") and U.S. Patent No. 6,437,457 (hereinafter referred to as "Roskey"). The examiner rejected claims 3-7, 9-10, 15-16, 18, 20-22, 24 and 26-32 under 35 U.S.C. § 103(a) as being unpatentable over Hickey, Bergeron, Jr. and Roskey and further in view of U.S. Patent No. 6,319,115 (hereinafter referred to as "Shingaki"). The examiner rejected claims 2 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Hickey, Bergeron, Jr., and Shingaki and Roskey as applied to claims 1 and 18 and further in view of U.S. Patent No. 4,012,163 (hereinafter referred to as "Baumgartner et al."). The examiner stated that claims 8, 17, 25 and 33 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, first paragraph and to include all the limitations of the base claim and any intervening claims.

Claim 1

Applicants have amended claim 1 to include the limitation of claim 8. The examiner stated that claim 8 would be allowable if rewritten to overcome the 112 rejections and to include all the limitations of the base claim. As a result, applicants respectfully submit that claim 1, as amended, is allowable under 35 U.S.C. § 103(a). Accordingly, applicants respectfully request that the rejection of claim 1, as amended, be withdrawn.

Claims 2-7 and 9-16

Applicants respectfully submit that claims 2-7 and 9-16 depend from claim 1, which is allowable for the reasons stated above, and further distinguish over the cited references. Claims 2-7 and 9-16 are therefore allowable under 35 U.S.C. § 103(a).

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Accordingly, Applicants respectfully request that the rejection of claims 2-7 and 9-16 be withdrawn.

Claim 18

Applicants have amended claim 18 to include the limitation of claim 25. The examiner stated that claim 25 would be allowable if rewritten to overcome the 112 rejections and to include all the limitations of the base claim. As a result, applicants respectfully submit that claim 18, as amended, is allowable under 35 U.S.C. § 103(a). Accordingly, applicants respectfully request that the rejection of claim 18, as amended, be withdrawn.

Claims 19-24 and 26-32

Applicants respectfully submit that claims 19-24 and 26-32 depend from claim 18, which is allowable for the reasons stated above, and further distinguish over the cited references. Claims 19-24 and 26-32 are therefore allowable under 35 U.S.C. § 103(a). Accordingly, Applicants respectfully request that the rejection of claims 19-24 and 26-32 be withdrawn.

Claim 34

Applicants have added claim 34, which includes all of the limitations of claim 1 and claim 17. The examiner stated that claim 17 would be allowable if rewritten to overcome the 112 rejections and to include all the limitations of the base claim. As a result, applicants respectfully submit that claim 34, as amended, is allowable under 35 U.S.C. § 103(a).

Claims 35-48

Applicants respectfully submit that claims 35-48 depend from claim 34, which is allowable for the reasons stated above, and further distinguish over the cited references. Claims 35-48 are therefore allowable under 35 U.S.C. § 103(a).

Claim 49

Applicants have added claim 49, which includes all of the limitations of claim 18 and claim 33. The examiner stated that claim 33 would be allowable if rewritten to overcome the 112 rejections and to include all the limitations of the base claim. As a result, applicants respectfully submit that claim 49, as amended, is allowable under 35 U.S.C. § 103(a).

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Claims 50-62

Applicants respectfully submit that claims 50-62 depend from claim 49, which is allowable for the reasons stated above, and further distinguish over the cited references. Claims 50-62 are therefore allowable under 35 U.S.C. § 103(a).

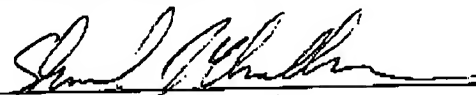
Conclusion

For the reasons set forth above, applicants respectfully request reconsideration by the examiner and withdrawal of the rejections. Applicants submit that claims 1-7, 9-16, 18-24, 26-32 and 34-62, as amended, are fully patentable. Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the examiner has any questions or comments, or if further clarification is required, it is requested that the examiner contact the undersigned at the telephone number listed below.

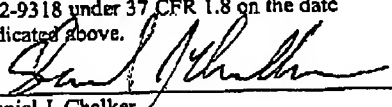
Respectfully submitted,

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I certify that this paper is being transmitted via facsimile to Technology Center 2800 at (703) 872-9318 under 37 CFR 1.8 on the date indicated above.

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